

DOCKET NO. 1:17-cv-00065-FDW-DSC

Plaintiff,

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

THIS MATTER is before the Court on Defendant’s Unopposed Motion to Remand to Social Security Administration (Doc. No. 14). For the reasons stated below, the motion is GRANTED. Accordingly, Plaintiff’s pending Motion for Summary Judgment (Doc. No. 12) is DENIED AS MOOT.

Defendant, Nancy A. Berryhill, Acting Commissioner of the Social Security Administration, has moved this Court, pursuant to sentence four of 42 U.S.C. § 405(g), to enter a judgment reversing her decision with a remand of the cause for further administrative proceedings. Plaintiff's counsel does not oppose Defendant's motion.

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Rule 58 of the Federal Rules of Civil Procedure. As there remains no justiciable dispute pending between the parties, upon the Clerk's entry of judgment, the Court's jurisdiction over this case shall terminate except for purposes of consideration and determination of motions for attorneys' fees, including any motion for such fees under the Equal Access to Justice Act (EAJA). The plaintiff shall have thirty (30) days from final judgment in which to file any motion for attorneys' fees under EAJA in this matter.

IT IS THEREFORE ORDERED that the Unopposed Motion to Remand (Doc. No. 14) is GRANTED. Plaintiff's pending Motion for Summary Judgment (Doc. No. 12) is DENIED AS MOOT.

IT IS SO ORDERED.

Signed: December 15, 2017

A handwritten signature in cursive script, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney
Chief United States District Judge

